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July 26, 2020: No Federal Police Power

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Title: No Federal Police Power

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7/26/2020--This Summer, as I was writing the book, *The Universe Is On Our Side*, the first and second drafts of which are now finished, I have not been blogging here. Instead, I have been just directing readers to my columns in the *Pennsylvania Capital-Star*. Well, there are also columns that are not written. This week's column is about GOP efforts to interfere with the courts. But that is not the column I set out to write. Last week, the people of the United States were unsettled by threats from President Donald Trump to send federal agents into several American cities to combat murder and violence. So, I set out to write about the absence of the federal police power--that is the power enjoyed by State government to act for the health, safety and welfare of the citizenry. A government of general powers has the police power. The federal government, in contrast, is a government of limited powers. Thus, it lacks the police power. That is why Trump lacked authority to do what he proposed to do. There were also separation of powers issues. Domestically, the President has only the power to enforce the laws, not to keep order. He can protect federal property, as in Portland, Oregon, but cannot combat ordinary crime. That was another reason, Trump could not do what he said. However, when I set out to write the column, it turned out that the whole thing had been a hyped up nothing. Here is how the column was to start: "On Wednesday, July 22, President Donald Trump announced that he would be sending hundreds of federal agents into several American cities to confront a rise in shootings and other violence. This is an action he has no constitutional authority to take. Fortunately, Attorney General William Barr explained that the Justice Department would be sending 200 additional agents to Chicago and 35 to Albuquerque to beef up violent crime task forces that already work with local police. This is not only constitutional, it is commonplace." So, after all the talk, and threats, all the President planned to do was to send more agents to help local police as federal agents had already been doing. This involves enforcing certain narrowly defined federal laws, such as certain drug laws and organized crime and gang laws. It is not patrolling the streets and it is not solving and preventing murders when local government cannot do so. I am glad the column did not have to be written, but it is a token of how Trump governs that he made these threats when he, or at least those around him, knew that nothing of the sort was planned. This is real pathology. But I guess you would have to call it political pathology rather than a constitutional crisis.